

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

CLERK US DISTRICT COURT
NORTHERN DIST. OF TX
FILED

2015 NOV 20 PM 2:48

DEPUTY CLERK

RONALD WAYNE JOHNSON,

§

Petitioner,

§

v.

2:15-CV-0260

WILLIAM STEPHENS, Director,
Texas Department of Criminal Justice,
Correctional Institutions Division,

§

Respondent.

§

ORDER OVERRULING OBJECTIONS,
ADOPTING REPORT AND RECOMMENDATION and
DENYING APPLICATION TO PROCEED
IN FORMA PAUPERIS ON APPEAL

On August 17, 2015, petitioner filed a hand-written "Petition for a Writ of Habeas Corpus" with the United States District Court for the Southern District of Texas, Corpus Christi Division. On August 24, 2015, construing petitioner's habeas petition as one filed pursuant to 28 U.S.C. § 2241 and noting it appeared petitioner was attempting to circumvent sanctions imposed by this court as a result of petitioner's frivolous and abusive filings, the Corpus Christi Division court transferred petitioner's habeas petition to this court. Upon receipt of petitioner's habeas application, the United States District Clerk docketed a copy of this court's July 15, 2013 Order Assessing Sanctions and terminated this case.

On September 24, 2015, petitioner filed a notice of appeal challenging the August 24, 2015 Order to Transfer Case and seeking appointment of appellate counsel. Petitioner's appeal was assigned USCA Cause No. 15-10931. On October 16, 2015, petitioner filed a second notice of

appeal challenging the transfer order. On October 29, 2015, petitioner filed a motion to proceed *in forma pauperis* on appeal. On November 2, 2015, the United States Magistrate Judge entered a Report and Recommendation finding petitioner's appeal is frivolous and in bad faith, and recommending that petitioner's application to proceed *in forma pauperis* on appeal be denied. On November 13, 2015, petitioner filed objections to the Magistrate Judge's Report and Recommendation which, for the most part, are incomprehensible.

Having made an independent examination of the record in this case, the undersigned United States District Judge hereby OVERRULES petitioner's objections, and ADOPTS the Magistrate Judge's Report and Recommendation. Accordingly, petitioner's application to proceed *in forma pauperis* on appeal is DENIED.

IT IS SO ORDERED.

ENTERED this 20th day of November 2015.


MARY LOU ROBINSON
UNITED STATES DISTRICT JUDGE